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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/808,901	03/25/2004	Ulrich Sielemann	P/4319-30	8957
2352	7590	05/17/2005		
OSTROLENK FABER GERB & SOFFEN			EXAMINER	
1180 AVENUE OF THE AMERICAS			GUADALUPE, YARITZA	
NEW YORK, NY 100368403				
			ART UNIT	PAPER NUMBER
			2859	

DATE MAILED: 05/17/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/808,901	SIELEMANN, ULRICH <i>(Signature)</i>	
	Examiner Yaritza Guadalupe McCall	Art Unit 2859	

— The MAILING DATE of this communication appears on the cover sheet with the correspondence address —
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on _____.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1-3,6,12 and 13 is/are rejected.
- 7) Claim(s) 4,5 and 7-11 is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 25 March 2004 is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1 – 3 are rejected under 35 U.S.C. 102 (e) as being anticipated by Shull et al. (US 6,652,039).

With respect to claim 1, Shull et al. discloses a position-measuring device for a fluidic cylinder-and-piston arrangement, comprising at least one Hall sensor array including at least two Hall sensors (37, 39) spaced one from the other in a direction of movement of a piston (17) of the cylinder-and-piston arrangement, and one coil to which a current can be applied and whose magnetic field permits switching points of the Hall sensors to be adjusted in response to the coil current; and a magnetic region arrangeable in the piston.

In regards to claim 2, Shull et al. also discloses said Hall sensor array including a plurality of equally spaced Hall sensors or Hall- effect switches (See Column 4, lines 55 – 56).

Regarding claim 3, Shull et al. discloses a device further comprising a substrate (15), Hall effect switches being arranged on the substrate.

Regarding claim 12, Shull also teaches a piston-measuring device wherein the Hall sensor array is arrangeable in a region of a cylinder wall (15) of the cylinder-and- piston arrangement (See Figure 1).

With respect to claim 13, Shull et al. also discloses a piston-measuring device wherein the Hall sensor array is arrangeable in the cylinder wall.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Shull et al. (US 6,652,039) in view of Burreson et al. (US 6,690,159).

Shull et al. discloses a position-measuring device as stated in paragraph 2 above.

Shull et al. does not disclose the multiplexer as stated in claim 6.

With respect to claim 6 : Shull et al. discloses a device having a Hall effect sensor array (37, 39) connected to a microcontroller (ECU) but fails to disclose the use of a multiplexer.

Burreson et al. discloses a system comprising a Hall sensor array (See Figure 6) including a plurality of Hall effect sensors (31) connected to a plurality of multiplexers (42) in order to consecutively monitor and identify the particular sensor measuring at the time of reading.

Therefore, it would have been obvious to a person having ordinary skill in the art at the time the invention was made to add a multiplexer as taught by Burreson et al. to the device disclosed by Shull et al. in order to increase the accuracy of the process by consecutively monitoring and identify the particular sensor measuring at the time readings are taken.

Allowable Subject Matter

5. Claims 4 – 5 and 7 – 11 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The following references are considered of relevance to the present application.

- a. Affa (US 5,651,187)
- b. Narimatsu (US 4,484,391)
- c. Schroeder et al. (US Pub. No. 2004/0263155)
- d. Holden (US 6,051,971)
- e. Nelle et al. (US 5,793,201)
- f. Spies et al. (US 5,956,659)
- g. Spies (US 6,018,881)
- h. Schmitz (US 6,253,460)

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Yaritza Guadalupe McCall whose telephone number is (571)272-2244. The examiner can normally be reached on 8:00 AM - 5:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Diego F.F. Gutierrez can be reached on (571) 272-2245. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

YGM
May 16, 2005



Yaritza Guadalupe-McCall
Patent Examiner
Art Unit 2859